



W.P.(MD) No.2955 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.04.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.2955 of 2024

and

W.M.P.(MD)No.2949 of 2024

Muthukaruppan

... Petitioner

-Vs-

1.The District Collector,
Dindigul District, Dindigul.

2.The Revenue Divisional Officer,
Palani Revenue, Palani,
Dindigul District.

3.The Tahsildar,
Gujiliamparai Taluk,
Dindigul District.

4.G.Shanthi Gopal
5.S.Gowri Sankar

... Respondents

(R5 is impleaded vide Court order dated 02.04.2025 made in W.M.P.(MD)No. 5486 of 2024)

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued

Page 1 of 5



W.P.(MD) No.2955 of 2024

by the 3rd respondent in his proceedings No.Nil, dated 30.01.2024 and quash the same as illegal.

For Petitioner : Mr.S.Sarvagan Prabhu
For R1 to R3 : Mrs.D.Farjana Ghoushia,
Special Government Pleader
For R4 : No Appearance
For R5 : Mr.G.Gomathi Sankar

ORDER

[Order of the Court was made by *J.NISHA BANU, J.*]

The petitioner has filed this Writ Petition, challenging the eviction order issued by the 3rd respondent dated 30.01.2024.

2.The learned counsel appearing for the petitioner would submit that without issuing any show cause notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act') and without giving any opportunity of hearing to the petitioner, the 3rd respondent passed the impugned eviction order under Section 6 of the Act. Therefore, the same is liable to be quashed.

3.The learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the present impugned order may be treated



W.P.(MD) No.2955 of 2024

as show cause notice, for which, the petitioner may give his explanation and on receipt of the same, necessary orders would be passed.

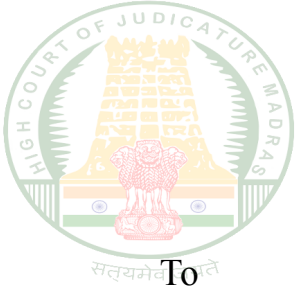
4.In view of the above, the impugned eviction order dated 30.01.2024 is treated as show cause notice and the petitioner is directed to give his explanation / objection to the same, enclosing all the relevant materials to substantiate his claim within a period of three weeks from the date of receipt of a copy of this order. On receipt of such explanation / objection, the authority concerned is directed to consider the same and pass appropriate orders on merits and in accordance with law, after affording sufficient opportunity to the petitioner and the respondents 4 and 5 within a period of four weeks thereafter. If there is any encroachment in the place in question, the same shall be removed by the authority concerned by following due process of law.

5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] & [S.S.Y., J.]
02.04.2025
(2/2)

NCC : Yes / No
Index : Yes / No
Yuva

Page 3 of 5



W.P.(MD) No.2955 of 2024

WEB COPY

- To
- 1.The District Collector,
Dindigul District, Dindigul.
 - 2.The Revenue Divisional Officer,
Palani Revenue, Palani,
Dindigul District.
 - 3.The Tahsildar,
Gujiliamparai Taluk,
Dindigul District.



WEB COPY



W.P.(MD) No.2955 of 2024

J.NISHA BANU, J.

AND

S.SRIMATHY, J.

Yuva

W.P.(MD)No.2955 of 2024

02.04.2025

(2/2)